

REMARKS

With the cancellation of claim 1 and the addition of claim 43, claims 2-12, 25-28, 30, 32 and 36-43 are pending.

In response to the Examiner's objection that claims 1 and 42 were duplicate, claim 1 has been cancelled in favor of claim 42. Claim 43 has been added to direct to an embodiment of the modified polymerase according to the invention.

The insertions of SEQ ID NO:35, SEQ ID NO:36 and SEQ ID NO:37 in claims 2, 4 and 42 to accompany the DIETLYH, DIETFYH and DIETLY sequences are included as required by the Office Action. This language does not narrow the scope of the amended claim recitations because the amino acid sequences recited are not changed by the insertions.

The amendment to claim 28 is for grammatical purposes resulting in no narrowing of the amended recitation.

Support for the amendments to claim 42 and the new claim 43 can be found in the specification at page 19, line 10 to page 20, line 3, page 26, line 24 to page 27, line 4, page 28, line 22 to page 29, line 4, and Figure 1.

Claim Objections

Claims 1, 2, 4 and 42 were objected for failing to recite the amino acid sequences with accompanying SEQ ID NOs. The objection to claim 1 has been rendered moot by its cancellation. Claims 2, 4 and 42 have been amended by inserting SEQ ID NO:35, SEQ ID NO:36 and SEQ ID NO:37 to accompany the recited DIETLYH, DIETFYH and DIETLY sequences.

Claims 1 and 42 were objected to as duplicate. Claim 1 has been cancelled in favor of claim 42.

Withdrawal of the objections is requested.

Claim Rejections -- 35 U.S.C. 112, First Paragraph

Claims 1-12, 25-28, 30, 32 and 36-42 were rejected as allegedly failing the written description requirement. Applicants respectfully traverse the rejections. To advance prosecution, claim 42 has been amended to be directed to a thermostable DNA polymerase modified from a thermostable DNA polymerase having the amino acid sequence of a thermostable DNA polymerase from *Pyrococcus furiosus*, *Pyrococcus kodakaraensis* KOD1 or *Thermococcus litoralis*, wherein the modification is the replacement of histidine by another

amino acid in the DIETLYH or DIETFYH sequence within the exonuclease I region. Applicants submit that the subject matter of claims 2-12, 25-28, 30, 32 and 36-42 was fully described in the application as filed. Withdrawal of the rejections is requested.

Conclusion

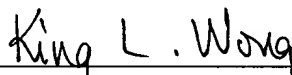
In light of the above reasoning, applicants submit that the application is in a condition for allowance. A Notice of Allowance is believed in order.

In the event that the filing of this paper is deemed not timely, applicants petition for an appropriate extension of time. The petition fee, and any other fees that may be required in relation to the filing of this paper, can be charged to Deposit Account No. 11-0600, referencing Docket No. 10089/14.

Respectfully Submitted,

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